



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Agenda
Wednesday, June 21, 2017
Ground Floor Conference Room
Arlington Senior Center
5:30pm**

- I. Accept May 24, 2017 Meeting Minutes
 - II. PRESENTATION: 2013 Food Code- Maureen Lee
 - III. HEARING: Tobacco/Nicotine Delivery Product Sales Violation- Symmes Mini Mart
 - IV. HEARING: Housing Code Violations- 108 Broadway
 - V. HEARING CONTINUED: Permit to Operate a Registered Marijuana Dispensary- 11 Water Street
 - VI. HEARING: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products
 - VII. Coalition Updates
 - VIII. Environmental Updates
 - IX. Restaurant Updates
 - X. Public Health Nurse Updates
 - XI. Public Comment
- Adjourn



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D R A F T
Board of Health Meeting Minutes
Wednesday, May 24, 2017
BOH Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Kevin Fallon, Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, Director; Natasha Waden, Health Compliance Officer; Kylee Sullivan, Health Compliance Officer; and Charlotte Gray, Public Health Associate.

Others in Attendance: Joseph Lekach, Massachusetts Patient Foundation; Valerio Romano, VGR Law Firm; Emily Allen Deldon, Nancy Lowe, Michele Vitti, Amy Smift, Carol Saunders Chamberlain, Sarah Conn

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to accept the March 8, 2017 and April 12, 2017 meeting minutes as amended.

Vote: 3 – 0 (Unanimously) in favor of the motion

Hearing: Keeping of Hens – 9 Windermere Park

Inspector Sullivan informed the Board of Emily and Nicholas Deldon's application to keep hens on their property at 9 Windermere Park. She noted the plans submitted with the application were extremely thorough and are compliant with the hen keeping bylaw. Ms. Sullivan informed the Board that all abutters were notified by the applicants of their intent to keep hens. One neighbor had initially raised concerns regarding the close proximity of the coop, however further discussions between the applicant and neighbor have alleviated those concerns. Ms. Sullivan informed the Board that a site walk was conducted on May 18th and the proposed location does not violate the six feet minimum distance from all property lines as stated in the bylaws.

Ms. Deldon addressed the Board and informed them that much thought and research had gone into the application process. She further stated she appreciated the the application process because it allowed for great thought in

deciding on breeds, coop size, nest box locations, maintenance, etc. She stated their family is excited and ready to go.

A Motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg, to approve the application for keeping of hens at 9 Windermere Park, conditional upon the final site inspection, and proof of vaccinations to be provided to the Health Department.

Vote: Motion Approved 3 – 0 (Unanimously)

Hearing Continued: Permit to Operate a Registered Marijuana Dispensary – 11 Water Street

Inspector Waden recapped discussions of the previous meeting and informed the Board that the Arlington Police Department had the opportunity to review the security plan which was submitted and had no objections. They did state, however, that they reserve the right to inspect the facility and make recommendations/requirements once the build-out is complete if any additional security measures are required.

Inspector Waden re-introduced Joseph Lekach of Massachusetts Patient Foundation (MPF) and Valerio Romano of VGR Law Firm. Ms. Waden stated she did have some additional questions of the representatives regarding:

- The Patient Information Manual
- Policies on employee training
- Dispensing to those who have hardship cultivation permit and how to coordinate to confirm that they have a local permit
- On-site consumption, for training purposes, which Inspector Waden requested be redacted or removed if possible.
- Marijuana infused products, specifically regarding labeling of products

Joseph Lekach and Valerio Romano addressed Inspector Waden's concerns and stated the Patient Information Manual will have all the information requested, and will be available shortly. Regarding dispensing to those who have hardship cultivation they are aware that a local Health Permit is required, and further stated they will not be selling seeds at this location. They emphasized all local and state laws will be followed. They stated they are not opposed to removing the clause regarding on-site consumption for training purposes and will strike it from the application. They will further provide a list of all products with all ingredients to the Board of Health. As new products become available they will forward the packaging and ingredient labels to the Health Department.

Dr. Fallon had a question regarding the plan if capacity has been reached in the establishment, to avoid people congregating in halls while waiting for their appointment. Dr. Fallon stated that he was informed that in the Salem dispensary, if there are large groups of people waiting in the queue, individuals sign in and are instructed to wait in their vehicles, and are called on their cell phones when it is their turn.

Mr. Lekach stated that with more Dispensaries opening up in Massachusetts, and delivery services available, he does not anticipate this to be a problem at the Arlington location. He further stated that they would be happy to look into options for solutions in case the establishment does reach capacity. Upon further discussions, and a

public comment made by Resident Nancy Lowe, regarding parking space shortages in that particular area, Mr. Lekach thought it would be a good idea, and feasible, to post current wait times on their website, similar to Urgent Care Facilities, or the DMV, who currently post wait times to better serve the community.

Dr. Walsh Condon, as a licensed physician, emphasized her concern about medical advice being provided by non-medical employees regarding dosage and best method of ingestion in relation to various medical conditions. She further stated she cannot and will not support any application that allows medical advice to be provided by non-medical personnel.

Joseph Lekach and Valerio Romano heard her concern, and stated they will work to find an acceptable solution.

The Board decided to continue the hearing to the June 21st meeting to give MPF time to complete the Patient Information Manual and address Dr. Walsh Condon's concerns.

Discussion: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products:

Inspector Waden stated that at the October 2014 meeting the Board discussed language regarding the number of permits allowed in Arlington for the sale of tobacco and nicotine delivery products. She further informed the Board that currently there are 2 applicants on a wait list for a permit. Upon discussion, Inspector Waden will draft language, in consultation from D.J. Sullivan, to amend the regulations restricting the sale of tobacco and nicotine delivery products to amend the number of permits allowable within Arlington. This will be available for review in early fall.

Correspondence Received:

The Sierra club has prepared a Board of Health sign-on letter to Governor Baker to stop the development of fracked gas infrastructure in Massachusetts. A copy of the letter was submitted to the Board for review. Several calls in support of the Arlington Board of Health signing onto the letter have been received.

Michele Vitti and Carol Saunders Chamberlain who work with Mothers Out Front which is a local energy working group, addressed the Board. They informed the Board of the many dangers and public health hazards affiliated with leaked gas. They stated that new pipelines are being planned, and high pressure compressor stations are extremely bad for one's health. They stated that these high pressure compressor stations have "blow down" which causes a release of chemicals and gas including particulate matter, benzene, formaldehyde and nitrogen oxide. These chemicals can cause an increase in asthma and respiratory problems, leukemia, and diabetes. They referenced research from Dr. Curtis Nordgaard, MD msc Resident Pediatrician at Boston Children's Hospital/Boston Medical Center who states benzene levels have been measured near compressor stations that far exceed cancer-causing thresholds, formaldehyde levels can exceed cancer-causing thresholds up to a half mile away from compressor stations. Others in attendance spoke in favor of the Board's support to sign onto the letter.

A Motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to support the request for the Arlington Board of Health to sign onto the letter to Governor Baker opposing the development of fracked gas infrastructure in Massachusetts.

Vote: 3-0 in favor of the motion (Unanimous)

Department Updates:

Director Bongiorno informed the Board that Town Meeting approved the budget allowing the Director of Public Health position to be reinstated after 10 years. She further informed the Board that Patti Sawtelle will be leaving the department effective July 1, 2017 and will be joining the I.T Department.

Director Bongiorno inquired if any members of the Board would like to participate on the interview committee along with herself, Caryn Malloy, Director of Human Resources, Jim Feeney, Assistant Town Manager, and a community member. She stated the position will officially be posted tomorrow, May 25th, interviews to take place in mid June, and they hope to have the successful candidate start by July 1, 2017.

Director Bongiorno informed the Board that moving forward, Board of Health Meeting Packets will be posted electronically on line, and the Department is looking into the possibility of providing tablets for the Board Members to use at the meetings. Confidential information will be redacted from the publically posted meeting packets.

Environmental Updates:

- Inspector Waden informed the Board that 2 meetings were held with Arlington Center businesses, and property owners to discuss a community effort to reduce rodent activity in the Arlington Center and Broadway Plaza area.
- Pools and Beaches are in the process of being permitted for the summer season.
- Inspector Waden and Sullivan are in the process of drafting dumpster regulations, and are monitoring conditions several times per week.

Restaurant Updates

- Caffè Nero is now open
- Elton's Roast Beef is closed (no information available at this time)
- Mamadous is opening soon
- Twyrl has submitted a plan review for Broadway Plaza location
- Jimmy's Steer House is changing ownership, and will not be applying for a variance

Public Health Nurse Updates

- Director Bongiorno informed the Board that she is happy to announce that Jessica Kerr has been hired as the new Public Health Nurse, and started as of today.
- A mumps case was reported from a URI student who returned to Arlington for the summer.

Public Comment - None

Meeting was adjourned at 7:17 pm.



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MEMORANDUM

To: Board of Health
From: Kylee Sullivan, Health Compliance Officer
Date: June 14, 2017
RE: Tobacco Compliance Check Violation

Natalie Miller, Tobacco Control Program Coordinator for The 5 Community Collaborative conducted tobacco compliance checks on behalf of the Department at all permitted retail tobacco establishments in Town on June 9, 2017. Current town regulations restricting the sale of tobacco products and nicotine delivery products were initiated on July 1, 2013. However, as of July 1, 2015 "no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21)." The vendor that violated these regulations by completing a sale to an underage individual during this compliance check was:

- **Symmes Mini Mart.** The sale of a "Blu Classic Tobacco" e-cigarette (priced at \$8.49) was made at approximately 7:41 PM EST to two 17 year old females.

This violation is Symmes Mini Mart's first violation since the new regulations regarding tobacco sales were enacted on July 1, 2013. According to these regulations "violator[s] shall receive: In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days." A fine and violation notice was hand delivered to Symmes Mini Mart by our Office on June 13, 2017. The violation notice required their appearance before the Board of Health during a hearing regarding the suspension of their Tobacco and Nicotine Delivery Product Sales Permit. Said hearing is scheduled to occur on Wednesday, June 21, 2017 at 5:30 PM EST in the Board of Health conference room located in the Arlington Senior Center at 27 Maple Street.

Enclosed please find the following items:

1. A copy of the violation notification letter to Symmes Mini Mart
2. A table indicating the history and success of tobacco compliance checks since July 1, 2013
3. A copy of the ticket issued to Symmes Mini Mart
4. A copy of Arlington's Tobacco Regulations (specifically Sections P-T)



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June 13, 2017

Hand Delivered

Raymond Laham
Symmes Mini Mart
681 Massachusetts Avenue
Arlington, MA 02476

Re: *Symmes Mini Mart- Arlington, MA*
Notice of Violation: Sale to Minor
Notice of Hearing

Dear Mr. Laham:

On Friday, June 9th, 2017, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Your establishment sold a Blu Classic Tobacco product to an underaged individual at approximately 7:41 PM. This sale is in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The Regulation states "The violator shall receive: In the case of a first violation, a fine of one hundred dollars (\$100.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days." Enclosed with this notice please find a \$100.00 fine, as this is your first sales violation, within 36 months, and after the effective date (July 1, 2013) of the aforementioned *Regulation*.

You are hereby ordered to attend a Board of Health hearing on **Wednesday, June 21st, 2017 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment that they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

Kylee Sullivan
Health Compliance Officer
ksullivan@town.arlington.ma.us
(781)-316-3264

cc: Christine Bongiorno, Director of Health and Human Services

ARLINGTON		CONTROL NUMBER 1863	
NOTICE OF VIOLATION OF TOWN BY/LAW OR REGULATION			
DATE OF OFFENSE 06 / 09 / 2017		DATE OF ISSUANCE/NOTICE 06 / 13 / 2017	
LOCATION Symmes Mini Mart	TIME 7:41		AM <input type="radio"/> PM <input checked="" type="radio"/>
NAME OF OFFENDER (PLEASE PRINT) LAST Laham	FIRST Raymond		MI <input type="radio"/>
ADDRESS 681 MASS AVE	CITY Arlington	STATE MA	ZIP CODE 02476
DATE OF BIRTH /		(CHECK IF UNDER 17) <input type="checkbox"/>	
PARENTS NAME (IF VIOLATOR UNDER 17) LAST	FIRST		MI
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE OF ENFORCING PERSON K Sullivan	BADGE NUMBER	ASSIGNMENT B04	

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

D=Dumpster Regulations and for the Removal and Transportation of Garbage, Rubbish, Offal, or other Offensive Substances

T=Rules and Regulations Restricting Smoking and Distribution of Tobacco and Tobacco Products within the Town of Arlington

☐ D1 Dumpster overflowing \$25

☐ D2 Dumpster overflowing - repeat offense \$50

☐ D3 Dumpster uncovered \$25

☐ D4 Dumpster uncovered - repeat offense \$50

☐ T1 Smoking in a non-smoking area \$100

☐ T2 Smoking in a workplace \$200

B=By-laws of the Town of Arlington

☐ B1 Abrasive blasting without permit \$50

☐ B2 Abrasive blasting - particles beyond property line \$50

☐ B3 Abrasive blasting - no permit \$200

☐ B4 Abrasive blasting - part. beyond prop. line - repeat offense \$200

☒ Z1 Other **Tobacco Sale** \$ **100.00**

WARNING ☐

OFFENSE ☒

TOTAL OF FINE(S) DUE \$ **100.00**

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

1 ☐ I choose to pay the above fine WITHIN 21 DAYS OF THE DATE OF THIS NOTICE. I enclose a check or money order payable to the Town Clerk, Town of Arlington, in this envelope. Or an authorized person may bring this ticket and payment to Town Clerk, 730 Massachusetts Avenue between 9:00 AM- 4:00PM, Monday-Friday. THIS WILL OPERATE AS A FINAL DISPOSITION WITH NO CRIMINAL RECORD.

2 ☐ I desire to contest this matter. I request a noncriminal hearing, which will operate as a final disposition with no criminal record, and I am enclosing a copy of this citation, WITHIN 21 DAYS OF THE NOTICE TO: Clerk Magistrate
Cambridge, District Court
40 Thorndike St., P.O. Box 338
East Cambridge, MA 02141

If you fail to pay this civil fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay the fine determined at the hearing to be due, a criminal complaint may be issued against you.

Tobacco Compliance Checks

X= Sales Violation

Compliance Check (* denotes 5CC)

Effective date of new Regulations: 7/1/2013

Tobacco Vendors	Address	7/24/2013	2/6/2014	7/10/2014	3/16/2016	5/22/2016*	1/30/2017*	6/9/2017*
7 STAR GROCERY	6 MEDFORD ST			X		X		
A & A CONVENIENCE	1042 MASS. AVE							
ARLINGTON GULF	85 RIVER STREET		X					
ARLINGTON LIQUORS STORE	92 SUMMER ST				X			
ARLINGTON SHELL	934 MASS. AVE.			X				
BOYLE'S MKT.	64 BROADWAY				X			
BROADWAY MARKET	94 BROADWAY							
CHRISTO'S FRUIT	200 MASS AVE.				X			
CVS # 263	319 BROADWAY							
DAGG'S	148 MASS. AVE.			X				
EASY CONVIENCE	935 MASS. AVE							
ELI'S SERVICE STATION, INC.	125 BROADWAY							
GALAXY FOOD MART	1348 MASS AVE						X	
JUNIORS VARIETY	203 BROADWAY							
LITTLE JOE'S CONVENIENCE	206 SUMMER ST				X			
MASS CONVENIENCE	85 WARREN ST							
MASS CONVENIENCE	245 MASS. AVE							
MYSTIC STREET GULF	140 MYSTIC ST					X		
PETER PAN SUPERETTE	2 PARK AVE.							
SYMMES MINI MART	681 MASS. AVE							X
FENWAY MARKET	203 BROADWAY					X		

P. VIOLATIONS:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. The violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within 36 months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.
 - d. The Board of Health reserves the right to revoke a Tobacco and Nicotine Delivery Product Sales Permit.
2. If a permit holder has obtained a permit or license from any other licensing or permitting authority within the Town of Arlington, the Board of Health shall notify such authority in writing of any violations of this regulation.
3. Refusal or failure to cooperate with inspections pursuant to this regulation may result in the suspension of the Tobacco and Nicotine Delivery Product Sales Permit for thirty (30) consecutive business days.
4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco or nicotine delivery products directly to a consumer while his or her permit is suspended may be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.
5. The Arlington Board of Health shall provide notice of the intent to suspend a Tobacco and Nicotine Delivery Product Sales Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. After a hearing, the Arlington Board of Health may suspend the Tobacco and Nicotine Delivery Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and nicotine delivery products shall be removed from the retail establishment upon suspension

of the Tobacco and Nicotine Delivery Product Sales Permit. Failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of this regulation.

Q. NON-CRIMINAL DISPOSITION:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

R. ENFORCEMENT:

Enforcement of this regulation shall be by the Arlington Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Arlington Board of Health or its designated agent(s) and the Board shall investigate.

S. SEVERABILITY:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

T. EFFECTIVE DATE:

This regulation shall take effect on March 1, 2015.

1. _____ 2. _____

Michael Fitzpatrick, DMD

Marie Walsh-Condon, MD

3. _____

Kenneth Kohlberg, JD, MPH

Amended on 09/11/2013
Amended on 12/03/2014



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MEMORANDUM

To: Board of Health
From: Kylee Sullivan, Health Compliance Officer
Date: June 15, 2017
RE: Housing Code Violations: 108 Broadway Street Apt. 7

Background:

On April 24, 2017, this Office received a call from occupant Tasha Pleasant requesting a comprehensive inspection of her dwelling unit in order to document the conditions before terminating her lease at the end of June 2017. On May 4, 2017, at or about 5:30 P.M., Health Compliance Officer Kylee Sullivan and Public Health Associate Charlotte Gray conducted an inspection of 108 Broadway Street Unit #7 with Ms. Pleasant present.

The inspection revealed the following five violations of the State Sanitary Code 105 CMR 410.000("the Code"):

1. *Violation:* No carbon monoxide alarms were observed in the unit.
2. *Violation:* While facing the 3-unit window, the left window did not lock.
3. *Violation:* The air conditioning unit did not turn on and thus was not functioning as intended.
4. *Violation:* The thermostat was in disrepair as the cover was detached from the body of the unit.
5. *Violation:* The kitchen ceiling light fixture did not turn on and thus was not functioning as intended.

These violations were listed in an order letter dated May 12, 2017 sent to Landlord Don Leone via certified mail (return receipt dated May 19, 2017). Mr. Leone contacted Inspector Sullivan on May 23, 2017 regarding the order letter. During their conversation, Inspector Sullivan answered questions Mr. Leone had about the violations. Additionally, Mr. Leone informed Inspector Sullivan that there are no combustion appliances in the building and thus a carbon monoxide alarm is not required. That same day, Inspector Sullivan received a fax from Attorney Kenneth Leitner requesting a hearing with the Board of Health regarding the order letter. On June 15, 2017, Inspector Sullivan re-inspected the building and confirmed that no combustion appliances are used on the premises and that the window referenced in violation #2 locks properly.

Recommendation:

The order letter dated May 12, 2017 should be amended to exclude the window violation and the carbon monoxide alarm violation as such alarms are not required by the Code when a dwelling does not contain combustion appliances. Otherwise, the violations listed in the order letter should be brought into compliance with the Code. Any legal issues that are not directly related to achieving compliance with the Code should be ruled upon in a court of law as such issues are outside of the purview of the Board of Health.

Please find the following items included:

1. Order letter to landlord dated May 12, 2017
2. Letter from Attorney Kenneth Leitner requesting a hearing with the Board
3. Letter of notification regarding hearing with the Board



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Office of the Board of Health

27 Maple Street
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Tel: (781) 316-3170
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May 12, 2017

Via Certified Mail, RRR

USPS #: 7016 1370 0001 8411 6712

Donald J. Leone
246 Waverly Avenue
Watertown, MA 02472

*RE: 108 Broadway Street Unit #7
Notice of Violations
Correction Order*

To Whom It May Concern:

On May 4, 2017, at or about 5:30 P.M., Health Compliance Officer Kylee Sullivan and Public Health Associate Charlotte Gray conducted an inspection of 108 Broadway Street Unit #7 at the request of the occupant, Tasha Pleasant. Ms. Pleasant was present at the time of the inspection and granted access onto the property. The inspection was conducted in accordance with the provisions of Article II of the State Sanitary Code (the "Code"), 105 C.M.R., §410.000: Minimum Standards of Fitness for Human Habitation and M.G.L c.111 §127A & §127B. The Code protects the health, safety, and well-being of Massachusetts citizens and applies to every owner-occupied or rented dwelling, dwelling unit, mobile dwelling unit or rooming house in Massachusetts which is used for living, cooking, sleeping, and eating. The following conditions were observed during the course of the inspection:

Violations:

Entire Unit:

1. Violation(s): No carbon monoxide alarms were observed in the unit.

Corrective Actions: Provide, install and maintain carbon monoxide alarms in accordance with the law. The alarms should be placed within 10 feet of the bedrooms. Contact the Arlington Fire Department – Fire Prevention Division for details.

Relevant Code Citation(s):

105 CMR 410.482 (A) states "(A) owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR)."

105 CMR 410.351 (A), which states "the owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and

equipment which the owner is or may be required to provide, including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto;"

105 CMR 410.750: Violation #1 may endanger or impair the health or safety and well being of a person or persons occupying the premises.

Living/Bedroom:

2. **Violation(s):** While facing the 3-unit window, the most left window does not lock.

Corrective Action(s): Repair or replace the window so that it locks as intended.

Relevant Code Citation(s): 105 CMR 410.750

105 CMR 410.480 (E) states "the owner shall provide, install and maintain locks so that (E) every openable exterior window shall be capable of being secured."

3. **Violation(s):** The air conditioning unit does not turn on and is not functioning as intended.

Corrective Action(s): Repair or replace the air conditioning unit so that it works in the manner intended.

Relevant Code Citation(s):

105 CMR 410.351 (B) states "the owner shall install or cause to be installed, in accordance with acceptable plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (B) all owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders and submetering devices designed to measure the usage of electricity, gas, or water."

4. **Violation(s):** The thermostat unit is in disrepair as the cover is unattached to the body of the unit.

Corrective Action(s): Repair or replace the cover of the thermostat in so that it works in the manner intended.

Relevant Code Citation(s):

105 CMR 410.351 (A) states "the owner shall install or cause to be installed, in accordance with acceptable plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto;"

Kitchen:

5. **Violation(s):** The ceiling light fixture does not turn on and is not functioning as intended.

Corrective Action(s): Repair or replace the light fixture so that it works in the manner intended.

Relevant Code Citation(s): 105 CMR 410.750 and 105 CMR 410.351 (A)

Note: It was observed that the lights in the interior common vestibule area were not turned on at the time of this inspection. It is required that light is provided 24 hours per day in foyers, either through illumination or in conjunction with natural lighting. Please ensure this requirement is met through any necessary repairs. It was also observed that the exterior lights in the parking lot were not turned on at the time of this inspection. It is required that illumination of exterior stairways and passageways is provided 24 hours per day. Please ensure this requirement is met through any necessary repairs.

You are hereby ordered to comply with the following:

- A. Correct *violations # 1 and 2* within twenty-four (24) hours of receipt of this letter. Contact this Office via telephone or electronic mail upon completion.
- B. Correct all other violations within thirty (30) days. A re-inspection will be conducted on June 12 at 10:00 A.M. Should the violations be corrected sooner, please contact this Office to re-schedule.

Failure to comply with this order may result in legal action taken against you pursuant to 105 CMR 410.910.

Be informed that you have the right to a hearing. This Office must receive written request for said hearing within seven days upon receipt of this order. You have the right to be represented at this hearing, and any affected party has a right to appear at the hearing. In addition, you have the right to inspect and obtain copies of all relevant reports, orders, notices and other documentary information in possession of this office.

Signed under the pains and penalties of perjury.

Sincerely,

Kylee Sullivan
Health Compliance Officer
ksullivan@town.arlington.ma.us
(781) 316-3264



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

May 24, 2017

Mr. Donald Leone
246 Waverly Avenue
Watertown, MA 02472

*RE: Request for a Hearing
108 Broadway Street #7
Arlington, MA 02474*

Dear Mr. Leone:

This Office is in receipt of a letter from Attorney Kenneth J. Leitner requesting a hearing to discuss Housing Code Violations (105 CMR 410.000: Minimum Standards of Fitness for Human Habitation) documented at the above-mentioned property. The violations were listed in a letter dated May 12, 2017.

A hearing has been scheduled with the Board of Health on **Wednesday, June 21, 2017 at 5:30 PM** in the ground floor conference room at the Board of Health Office.

Questions regarding this matter can be directed to this Office at (781) 316-3170.

Sincerely,

Kylee Sullivan
Health Compliance Officer

cc: Christine Bongiorno, Director of Health and Human Services
Board of Health Members
Kenneth J. Leitner, Attorney
Tasha Pleasant, Occupant

May. 23. 2017 3:28PM

No. 3976 P. 1

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OF COUNSEL
RICHARD W. MCLEOD
KENNETH J. LEITNER, JR.
ELIZABETH TOBIN

May 23, 2017

Via Fax: 781-316-3175
And First Class Mail

Kylee Sullivan, Health Compliance Officer
Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, Massachusetts 02476

Re: 108 Broadway, Unit 7, Arlington, Massachusetts

Dear Ms. Sullivan:

This office represents Donald J Leone to whom you sent a letter dated May 12, 2017 regarding alleged violations at the above referenced property. This letter was received by my Mr. Leone on or about Thursday, May 18, 2017. Please accept this letter as a request for a hearing. Would you kindly provide me with written notice as to the date when the hearing is scheduled to be heard.

Without waiving any of my client's rights or defenses to this letter, he has contacted the present tenant, Tasha Pleasant, for access to the property to address items numbered 1 and 2 in your letter. If the tenant does not allow him access, I will notify your office.

Thank you for your attention to this matter.

Very truly yours,


KENNETH J. LEITNER, JR.

KJL, JR./s

Cc: Mr. Donald J Leone



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Memo

To: Arlington Board of Health

From: Natasha Waden, Health Compliance Officer

Date: June 16, 2017

RE: Permit to Operate a Registered Marijuana Dispensary (RMD)- 11 Water Street

At our last meeting, the Board discussed additional concerns with the application and asked for clarification or changes to be made in regards to the following issues:

- 1) Non-medical personnel/staff giving out medical information to patients.
- 2) On-site consumption of medical marijuana or MIP's for demonstration purposes.
- 3) Package labeling for MIP's.
- 4) The verification process as it relates to the sale of seeds to patients with a hardship cultivation permit. Specifically, to ensure that a sale is not made to an Arlington Resident unless said patient has been issued a permit by both the State and the Arlington Health Department.
- 5) Crowd control and waiting line management.

The applicant will be present at the hearing to address all of these concerns. Aside from the items listed above, the applicant has complied with all applicable requirements in accordance with the Town of Arlington Regulations Restricting the Sale of Marijuana.



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Memo

To: Arlington Board of Health

From: Natasha Waden, Health Compliance Officer

Date: June 16, 2017

RE: Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products- proposed amendments

Whereas, the Board has expressed interest in changing the language in our regulations to reflect the attrition of Tobacco and Nicotine Delivery Product permits over time; I have spoken to DJ Wilson at the Mass Municipal Association who has provided us with updated language to achieve this objective. DJ stated that as written, Arlington's regulations incorporate a basic capping of permits, however, there are other communities that have adopted more advanced capping language to reduce the number of permits over time. Given that we already have two applicants on a waiting list for permits, DJ has advised that this should be considered before amending the language. To address those applicants on our waiting list, DJ has suggested the following options:

- 1) Keep the current cap with a provision that once the waiting list is empty of those currently on it, that we would change our language to reflect an "advanced cap". Staff would regularly call the people on the list to see if they are still interested on being on it or if they would like to be taken off.
- 2) Set a future date where the advanced cap kicks in- perhaps in 2 years or so.
- 3) Enact the advanced cap by setting a normal effective date, but add language to it that would address those on the waiting list giving them an opportunity to apply for an available permit for a certain time period (such as 1-2 years).

Attached please find a draft copy of the proposed changes outlined in Section E: 13-16, that reflect the advanced capping language and DJ's suggestion's for your review.

Also enclosed:

- A copy of DJ's email which outlines his suggestions
- Two Memo's from MMA regarding capping of Permits

From: DJ Wilson <djwilson@mma.org>
To: Nwaden@town.arlington.ma.us, Natalie Miller <nmiller@brooklinema.gov>
Date: 05/11/2017 01:50 PM
Subject: capping permits

Natasha:

Arlington's language in the 2015 sales regulation is very similar to what we consider a "basic cap" where (1) current permittee can renew; (2) current permittee can sell and the buyer can "capture" their permit and (3) a waiting list will be started with potential future permit applicants if the cap # is met.

Here is our capping language from our sample below. The first subsection is the "basic cap". While it has been rewritten a little, I'll go through each below.

Maximum Number of Tobacco Product Sales Permits.

- a. At any given time, there shall be no more than **[number (XX)]** Tobacco Product Sales Permits issued in **[city/town]** (reduced by the number of permits not renewed pursuant to subsection (b) below)]. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-served" basis as issued permits are either not renewed, revoked, or are returned to the Board of Health.
- b. As of **[date]**, any permit not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the **[city/town]** Board of Health and shall be permanently retired by the Board of Health and the total allowable number of Tobacco Product Sales Permits under paragraph **11(a)** shall be reduced by the number of the retired permits. **[NOTE: If this subsection is included, remove the last sentence of section 9(a) AND add to the end of the first sentence of subsection (a) the following phrase: "...reduced by the number of permits not renewed pursuant to §9(b)."]**
- c. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.
- d. Applicants who purchase an existing business that holds a valid Tobacco Product Sales Permit at the time of the sale of said business must apply within sixty (60) days of such sale for the permit held by the Seller if the Buyer intends to sell tobacco products, as defined herein.

Subsection...

(A) is the basic cap;

(C) does not need to be used but says no new retailers near schools, with the same caveats found in the basic cap;

(D) is in your current cap, we just assembled the language differently here and

(B) is the "advanced cap". This does away with the waiting list as you end up with three scenarios: (1) current permittee keeps on renewing in a timely fashion; (2) current permittee sells and buyer captures permit - and this can be done on and on; (3) store closes, permit is handed back, or not renewed, and cap number goes down by one.

So this all begs the question, what to do with the 2 people on your waiting list. You could:

(1) keep the basic cap with a proviso that when the waiting list is empty of those currently on it, you bump up to the advanced cap (and give them a call occasionally to see if they are still interested being on it or if they can be taken off) or

(2) set a future date where the advanced cap kicks in - say 2 years or

(3) enact the advanced cap, set a normal effective date but have language that says something to the effect "those potential applicants placed on the waiting list as of [enactment date] will be able to apply for a permit when they are turned in [and then possible add, ...and this opportunity will be available until DATE IN FUTURE)".

I've attached a helpful memo on this as well as our latest muni list on the policy. Let me know if you want me to attend a BOH meeting to discuss further.

--

D.J. Wilson
Tobacco Control Director/Public Health Liaison
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110
617-426-7272, ext. 152

Please consider the environment before printing this e-mail.

Attachments:

File: [Capping Permits Memo.doc](#)

Size: 28k
Content Type: application/msword

File: [Muni List Capping Number of Permits.doc](#)

Size: 34k
Content Type: application/msword

Municipal Tobacco Control Technical Assistance Program

Donald J. Wilson, Director
c/o Massachusetts Municipal Association
One Winthrop Square
Boston, Massachusetts 02110

(617) 426-7272
FAX (617) 695-1314
djwilson@mma.org

MEMORANDUM

TO: Municipal Policymakers
FROM: D. J. Wilson
RE: Limiting Number of Tobacco Sales Permits
DATE: June 16, 2017

In Massachusetts, liquor licenses are generally limited, per city or town, to one license per 5,000 residents. Historically, there has been no similar quota scheme for local tobacco sales permit issuance. The language below, to be inserted in the section dealing with retailer permits, provides a quota. Subsection (a) provides a maximum number while the optional subsection (b) provides a method to reduce permits over a set period of time. To date, 43 municipalities have enacted (a) while 30 have also enacted (b) with this language or one substantially the same.

In each subsection below, please note that timely renewals are always permitted, regardless of the cap. Renewals are also allowed for a new owner at a currently-permitted location if they apply for a permit within 60 days of the sale of the business. This language also provides an incentive for current permit holders to renew in a timely fashion. Failing to do so treats them as a first-time applicant that may place them on a waiting list, if one exists at the time of their failure to renew.

Tobacco and Nicotine Delivery Product Sales Permit:

Maximum Number of Tobacco and Nicotine Delivery Product Sales Permits

- (a) At any given time, there shall be no more than **[number (XX)]** Tobacco and Nicotine Delivery Product Sales Permits issued in **[city/town]**. No permit renewal will be denied based on the requirements of this subsection except any permittee who has failed to renew their permit by **[insert date for one month after renewal date]** will be treated as a first-time permit applicant. Applicants who purchase a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or Nicotine Delivery Products. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a “first-come, first-serve” basis as issued permits are either not renewed or are returned to the Board.
- (b) As of **[date]**, **[city/town]** shall reduce the number of issued Tobacco and Nicotine Delivery Product Sales Permits to no more than **[lower number than in (a) (XX)]** permits. No permit renewal will be denied based on the requirements of this subsection except any permittee who has failed to renew their permit by **[insert date for one month after renewal date]** will be treated as a first-time permit applicant. Applicants who purchase a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or Nicotine Delivery Products. New applicants who are applying at a time when the maximum number of issued permits has been reached will be placed on a waiting list and will be eligible to apply for a permit on a “first-come, first-serve” basis when the number of issued permits decreases to fewer than **[lower number listed in this section above (XX)]** permits.

Municipal Tobacco Control Technical Assistance Program

Donald J. Wilson, Director
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One Winthrop Square
Boston, Massachusetts 02110

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MUNICIPALITIES THAT LIMIT THE NUMBER OF TOBACCO SALES PERMITS

Abington	Edgartown	Lenox**	Shelburne
Amherst**	Essex	Leverett**	Shrewsbury
Andover**	Fairhaven	Ludlow	South Hadley
Arlington	Fitchburg	Marshfield	Southampton
Ashburnham	Framingham	Maynard**	Stockbridge**
Ashland	Gill	Medfield**	Stow
Athol**	Grafton	Medford	Sunderland**
Avon**	Granby	Milford**	Templeton**
Bellingham	Greenfield**	Millis**	Townsend**
Billerica***	Hadley**	Montague**	Wareham*
Bolton**	Halifax	Natick**	Wayland
Bourne	Hamilton	Needham	Wendell
Braintree	Hatfield**	Newburyport	West Boylston
Brewster	Holbrook**	North Adams**	Westfield
Brockton**	Holden	No. Attleboro	Westminster
Buckland*	Holyoke**	Northampton**	Westford*
Canton***	Hubbardston**	North Reading	Westport
Charlemont***	Hudson	Orange**	W. Springfield
Chelsea	Hull	Pittsfield**	Westwood
Cohasset	Lancaster	Reading**	Weymouth
Dedham**	Lanesborough	Revere	Winchendon**
Deerfield**	Lee**	Salem	Winchester
Duxbury	Leicester	Saugus	Winthrop

TOTAL: 92 (cities in bold type)

26.8% of state's population lives in listed municipalities. (1,756,387 of 6,547,629 residents)

SAMPLE LANGUAGE: At any given time, there shall be no more than [number (XX)] Tobacco and Nicotine Delivery Product Sales Permits issued in [city/town]. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew their permit within 30 days of expiration will be treated as a first-time permit applicant. Applicants who purchase a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or nicotine delivery products. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-serve" basis as issued permits are either not renewed or are returned to the Board of Health.

* These municipalities also have this 2nd subsection: "As of [date], [city/town] shall reduce the number of issued Tobacco and Nicotine Delivery Product Sales Permits to no more than [lower number than in (a) (XX)] permits. [Sentences #2 and #3 above are repeated here.] New applicants who are applying at a time when the maximum number of issued permits has been reached will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-serve" basis when the number of issued permits decreases to fewer than [the lower number listed in this section above (XX)] permits."

** These municipalities also have this 2nd subsection: "As of [date], any permit not renewed either because a retailer no longer sells tobacco and/or nicotine delivery products, or because a retailer closes the retail business, shall be returned to the [city/town] Board of Health and shall be permanently retired by the Board of Health."

*** Board shall not issue a Permit to a first-time permit applicant with a new business. (additional conditions may apply).

4/21/17



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**REGULATION RESTRICTING THE SALE OF TOBACCO PRODUCTS AND NICOTINE
DELIVERY PRODUCTS**

A. STATEMENT OF PURPOSE:

Whereas there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat¹;

Whereas among the 15.7% of students nationwide who currently smoke cigarettes and were less than 18 years old, 14.1% usually obtained them by buying them in a store (i.e. convenience store, supermarket, or discount store) or gas station²;

Whereas nationally in 2009, 72% of high school smokers and 66% of middle school smokers were not asked to show proof of age when purchasing cigarettes³;

Whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin⁴;

Whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major public health problem;

Whereas many non-cigarette tobacco products, such as cigars and cigarillos, can be sold in a single "dose;" enjoy a relatively low tax as compared to cigarettes; are available in fruit, candy and alcohol flavors; and are popular among youth⁵;

¹ Center for Disease Control and Prevention, (CDC) (2012), *Health Effects of Cigarette Smoking Fact Sheet*. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

² CDC (2009), *Youth Risk Behavior, Surveillance Summaries* (Morbidity and Mortality Weekly Report (MMWR) 2010: 59, 11 (No. SS-55)) Retrieved from: <http://www.cdc.gov/HealthyYouth/yrbs/index.htm>.

³ CDC Office of Smoking and Health, *National Youth Tobacco Survey, 2009*. Analysis by the American Lung Association (ALA), Research and Program Services Division using SPSS software, as reported in "Trends in Tobacco Use", ALA Research and Program Services, Epidemiology and Statistics Unit, July 2011. Retrieved from: www.lung.org/finding-cures/our-research/trend-reports/Tobacco-Trend-Report.pdf.

⁴ CDC (2010), *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

Whereas according to the CDC's youth risk behavior surveillance system, the percentage of high school students in Massachusetts who reported the use of cigars within the past 30 days went from 11.8% in 2003 to 14.9% in 2009⁶;

Whereas survey results show that more youth report that they have smoked a cigar product when it is mentioned by name, than report that they smoked a cigar in general, indicating that cigar use among youth is underreported⁷;

Whereas in Massachusetts, youth use of all other tobacco products, including cigars, rose from 13.3% in 2003 to 17.6% in 2009, and was higher than the rate of current cigarette use (16%) for the first time in history⁸;

Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%⁹;

Whereas nicotine levels in cigars are generally much higher than nicotine levels in cigarettes¹⁰;

Whereas Non-Residential Roll-Your-Own (RYO) machines located in retail stores enable retailers to sell cigarettes without paying the excise taxes that are imposed on conventionally manufactured cigarettes. High excise taxes encourage adult smokers to quit¹¹ and high prices deter youth from starting.¹² Inexpensive cigarettes, like those produced from RYO machines, promote the use of tobacco, resulting in a negative impact on public health and increased health care costs, and severely undercut the evidence-based public health benefit of imposing high excise taxes on tobacco;

⁵ CDC (2009), *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5). Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>.

⁶ CDC (2009) *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 72 (No SS-55)). Retrieved from: www.cdc.gov; and CDC (2003), *Youth Risk Behavior, Surveillance Summaries* (MMWR 2004: 53, 54 (No. SS-02)).

⁷ 2010 Boston Youth Risk Behavior Study. 16.5% of Boston youth responded that they had ever smoked a fruit or candy flavored cigar, cigarillo or little cigar, while 24.1% reported ever smoking a "Black and Mild" Cigar.

⁸ Commonwealth of Massachusetts, Data Brief, Trends in Youth Tobacco Use in Massachusetts, 1993-2009. Retrieved from: http://www.mass.gov/Eeohhs2/docs/dph/tobacco_control/adolescent_tobacco_use_youth_trends_1993_2009.pdf.

⁹ Ringel, J., Wasserman, J., & Andreyeva, T. (2005) *Effects of Public Policy on Adolescents' Cigar Use: Evidence from the National Youth Tobacco Survey*. American Journal of Public Health, 95(6), 995-998, doi: 10.2105/AJPH.2003.030411 and cited in *Cigar, Cigarillo and Little Cigar Use among Canadian Youth: Are We Underestimating the Magnitude of this Problem?*, J. Prim. P. 2011, Aug: 32(3-4):161-70. Retrieved from: www.ncbi.nlm.nih.gov/pubmed/21809109.

¹⁰ National Institute of Health (NIH), National Cancer Institute (NCI) (2010). *Cigar Smoking and Cancer*. Retrieved from: <http://www.cancer.gov/cancertopics/factsheet/Tobacco/cigars>.

¹¹ Eriksen, M., Mackay, J., Ross, H. (2012). *The Tobacco Atlas*, Fourth Edition, American Cancer Society, Chapter 29, p. 80. Retrieved from: www.TobaccoAtlas.org.

¹² Chaloupka, F. J. & Lippman, R., NIH, NCI (2001). *The Impact of Price on Youth Tobacco Use, Smoking and Tobacco Control Monograph 14: Changing Adolescent Smoking Prevalence* 193 – 200. Retrieved from: <http://dcccps.nih.gov/TCRB/monographs/>.

Whereas it is estimated that 90% of what is being sold as pipe tobacco is actually being used in Non-Residential RYO machines. Pipe tobacco shipments went from 11.5 million pounds in 2009 to 22.4 million pounds in 2010. Traditional RYO tobacco shipments dropped from 11.2 million pounds to 5.8 million pounds; and cigarette shipments dropped from 308.6 billion sticks to 292.7 billion sticks according to the December 2010 statistical report released by the U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB)¹³;

Whereas the sale of tobacco products and nicotine delivery products are incompatible with the mission of health care institutions because these products are detrimental to the public health and their presence in health care institutions undermine efforts to educate patients on the safe and effective use of medication, including cessation medication;

Whereas educational institutions sell tobacco products to a younger population, who is particularly at risk for becoming smokers and such sale of tobacco products and nicotine delivery products are incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms;

Whereas sales of flavored little cigars increased by 23% between 2008 and 2010¹⁴; and the top three most popular cigar brands among African-American youth aged 12-17 are the flavored and low-cost Black & Mild, White Owl, and Swisher Sweets;¹⁵

Whereas the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,¹⁶ largely because these flavored products were marketed to youth and young adults,¹⁷ and younger smokers were more likely to have tried these products than older smokers;¹⁸

¹³ TTB (2011). *Statistical Report – Tobacco* (2011) (TTB S 5210-12-2010). Retrieved from: <http://www.ttb.gov/statistics/2010/201012tobacco.pdf>.

¹⁴ Delnevo, C., Flavored Little Cigars memo, September 21, 2011, from Neilson market scanner data.

¹⁵ SAMSHA, Analysis of data from the 2011 National Survey on Drug Use and Health

¹⁶ 21 U.S.C. § 387g.

¹⁷ Carpenter CM, Wayne GF, Pauly JL, et al. 2005. "New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies." *Health Affairs*. 24(6): 1601–1610; Lewis M and Wackowski O. 2006. "Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands." *American Journal of Public Health*. 96(2): 244–251; Connolly GN. 2004. "Sweet and Spicy Flavours: New Brands for Minorities and Youth." *Tobacco Control*. 13(3): 211–212; U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 537, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁸ U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

Whereas although the manufacture and distribution of flavored cigarettes (excluding menthol) is banned by federal law,¹⁹ neither federal nor Massachusetts laws restrict sales of flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic smoking devices and the nicotine solutions used in these devices;

Whereas the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be “starter” products that help establish smoking habits that can lead to long-term addiction;²⁰

Whereas data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes;²¹

Now, therefore it is the intention of the Arlington Board of Health to regulate the sale of tobacco products and nicotine delivery products.

B. AUTHORITY:

This regulation is promulgated pursuant to the authority granted to the Arlington Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

C. DEFINITIONS:

For the purpose of this regulation, the following words shall have the following meanings:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

¹⁹ 21 U.S.C. § 387g

²⁰ Food and Drug Administration. 2011. Fact Sheet: Flavored Tobacco Products, www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Department of Health and Human Services. 2012. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

²¹ King BA, Tynan MA, Dube SR, et al. 2013. “Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students.” Journal of Adolescent Health. [Article in press], www.jahonline.org/article/S1054-139X%2813%2900415-1/abstract.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product or the provision of ingredient information.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

Distinguishable: Perceivable by either the sense of smell or taste.

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored tobacco product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247

CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

Minor: Any individual who is under the age of eighteen (18).

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Permit Holder: Any person engaged in the sale or distribution of tobacco or nicotine delivery products directly to consumers who applies for and receives a tobacco and nicotine delivery product sales permit or any person who is required to apply for a Tobacco and Nicotine Delivery Product Sales Permit pursuant to these regulations, or his or her business agent.

Retail Tobacco Store: An establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Arlington Board of Health.

Self-Service Display: Any display from which customers may select a tobacco product or a nicotine delivery product without assistance from an employee or store personnel.

Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms. Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes, any other tobacco product or nicotine delivery product.

D. TOBACCO AND NICOTINE DELIVERY PRODUCT SALES PROHIBITED:

1. From July 1, 2013 until July 1, 2014, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to any person under the age of nineteen (19) or not being the recipient's parent or legal guardian, give tobacco products or nicotine delivery products to any person under the age of nineteen (19). From July 1, 2014 to July 1, 2015, no

person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty (20) or not being the recipient's parent or legal guardian, give tobacco products or nicotine delivery products to anyone under the age of twenty (20). As of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to any person under the age of twenty-one (21) or not being the recipient's parent or legal guardian, give tobacco products or nicotine delivery products to any person under the age of twenty-one.

2. Required Signage

- a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Arlington Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health.
- b. The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating The sale of nicotine delivery products to persons under the age of (as outlined in Section D.1) is prohibited. The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating, "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at, or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 or greater than 9 feet from the floor.
- c. In addition to the notice required Section D 2. (a), a notice provided by the Arlington Board of Health shall also be posted by the owner or other person in charge thereof in the shop or other place used to sell tobacco and nicotine delivery products at retail. Such notice shall state that the sale of tobacco products to person's under the age as outlined in Section D.1. is illegal.
- d. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage provided by the Arlington Board of Health that discloses current referral information about smoking cessation.

3. Identification: Each person selling or distributing tobacco or nicotine delivery products shall verify the age of the purchaser by means of a valid government-issued photographic identification containing

the bearer's date of birth that the purchaser is at the age stated in Section (D) (1) or older. Verification is required for any person that appears under the age of 27.

4. All retail sales of tobacco or nicotine delivery products must be face-to-face between the seller and the buyer and occur at the permitted location.

E. TOBACCO AND NICOTINE DELIVERY PRODUCT SALES PERMIT:

1. No person shall sell or otherwise distribute tobacco or nicotine delivery products at retail establishments within the Town of Arlington without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Arlington Board of Health. Only owners of establishments with a permanent, non-mobile location in Arlington are eligible to apply for a permit and sell tobacco products or nicotine delivery products at the specified location in Arlington.

2. As part of the Tobacco and Nicotine Delivery Product Sales Permit application process, the applicant will be provided with the Arlington Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco and nicotine delivery product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. Each applicant who sells tobacco is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a Tobacco and Nicotine Delivery Product Sales Permit can be issued.

4. The fee for a Tobacco and Nicotine Delivery Product Sales Permit shall be \$500.00, renewable on January 1.

5. A separate permit is required for each retail establishment selling tobacco and/or nicotine delivery products.

6. Each Tobacco and Nicotine Delivery Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.

7. No Tobacco and Nicotine Delivery Product Sales Permit holder shall allow any employee to sell tobacco products or nicotine delivery products until such employee reads this regulation and federal and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state and federal laws.

8. A Tobacco and Nicotine Delivery Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco or nicotine delivery products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

9. Issuance of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

10. Issuance and holding of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's on-going compliance with current Massachusetts Department of Revenue requirements and policies including, but not limited to, minimum retail prices of tobacco products.

11. A Tobacco and Nicotine Delivery Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding permit suspensions.

12. Mandatory retailer training: As part of the Tobacco and Nicotine Delivery Product Sales Permit renewal process, permit holders are required to send at least one (1) employee who works on the premises to a tobacco retailer training conducted by the Arlington Board of Health once per year. The Arlington Board of Health will schedule the trainings and notify permit holders of the date (s). Failure of the establishment to send a retailer may result in suspension or revocation of a permit to sell tobacco and nicotine delivery products in the Town of Arlington.

~~13. Maximum Number of Tobacco and Nicotine Delivery Product Sales Permits: The maximum number of permits allowed shall be the number of Tobacco and Nicotine Delivery Product Sales Permits issued in the Town of Arlington and in good standing on January 1, 2015, nineteen (19). No new permits shall be issued such that the number of outstanding permits would exceed the maximum number of permits.~~

14. As of XXX date, any permit not renewed within thirty (30) days of expiration either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Arlington Board of Health and shall be permanently retired by the Board of Health, reducing the total allowable number of permits under Section E (13) to the applicable number of retired permits. As of XXX date, those applicants placed on the waiting list will have an opportunity to apply for a permit when it is turned in for a period not to exceed two (2) years.

15. Any permit holder who has failed to renew an existing permit within 30 days of expiration will be treated as a first-time permit applicant.

16. A purchaser of a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or nicotine delivery products. An owner of a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit that intends to change the physical location of the business in Arlington must notify the Board of Health in writing thirty (30) days before such change of location occurs. The permit will be reissued reflecting the continuation of said business at the new address. Any permit holder who has failed to notify the Board of Health in writing thirty (30) days before changing the physical location of the business will be treated

as a first-time applicant. ~~New applicants for permits who are applying at a time when the total number of outstanding permits meets or exceeds the maximum number of permits allowed will be placed on a waiting list and will be eligible to apply for a permit on a “first come, first serve” basis as permits are either not renewed or are returned to the Board of Health.~~

F. CIGAR SALES REGULATED:

1. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed a cigar unless the cigar is contained in an original package of at least four (4) cigars.
2. This Section shall not apply to:
 - a. The sale or distribution of any cigar having a retail price of two dollars and fifty cents (\$2.50) or more.
3. The Arlington Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

G. PROHIBITION OF THE SALE OF BLUNT WRAPS:

No person or entity shall sell or distribute blunt wraps in Arlington.

H. PROHIBITION OF THE SALE OF FLAVORED TOBACCO AND NICOTINE DELIVERY PRODUCTS:

No person shall sell or distribute or cause to be sold or distributed any flavored tobacco or nicotine delivery product at retail, except in retail tobacco stores.

I. FREE DISTRIBUTION AND COUPON REDEMPTION:

No person shall distribute, or cause to be distributed, any free samples of tobacco products or nicotine delivery products. No means, instruments or devices that allow for the redemption of all tobacco products or nicotine delivery products for free or cigarettes at a price below the minimum retail price determined by the Massachusetts Department of Revenue shall be accepted by any permit holder.

J. OUT-OF-PACKAGE SALES:

No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

K. SELF-SERVICE DISPLAYS:

All self-service displays of tobacco products and/or nicotine delivery products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

L. VENDING MACHINES:

All tobacco and/or nicotine delivery product vending machines are prohibited.

M. NON-RESIDENTIAL ROLL-YOUR-OWN MACHINES:

All Non-Residential Roll-Your-Own machines are prohibited.

**N. PROHIBITION OF THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS
BY HEALTH CARE INSTITUTIONS:**

No health care institution located in Arlington shall sell or cause to be sold tobacco or nicotine delivery products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products or nicotine delivery products.

**O. PROHIBITION OF THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS
BY EDUCATIONAL INSTITUTIONS:**

No educational institution located in Arlington shall sell or cause to be sold tobacco or nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

P. VIOLATIONS:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. The violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within 36 months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.
 - d. The Board of Health reserves the right to revoke a Tobacco and Nicotine Delivery Product Sales Permit.
2. If a permit holder has obtained a permit or license from any other licensing or permitting authority within the Town of Arlington, the Board of Health shall notify such authority in writing of any violations of this regulation.
3. Refusal or failure to cooperate with inspections pursuant to this regulation may result in the suspension of the Tobacco and Nicotine Delivery Product Sales Permit for thirty (30) consecutive business days.
4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco or nicotine delivery products directly to a consumer while his or her permit is suspended may be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.
5. The Arlington Board of Health shall provide notice of the intent to suspend a Tobacco and Nicotine Delivery Product Sales Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. After a hearing, the Arlington Board of Health may suspend the Tobacco and Nicotine Delivery Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and nicotine delivery products shall be removed from the retail establishment upon suspension of the Tobacco and Nicotine Delivery Product Sales Permit. Failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of this regulation.

Q. NON-CRIMINAL DISPOSITION:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

R. ENFORCEMENT:

Enforcement of this regulation shall be by the Arlington Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Arlington Board of Health or its designated agent(s) and the Board shall investigate.

S. SEVERABILITY:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

T. EFFECTIVE DATE:

This regulation shall take effect on March 1, 2015 new date.

1. _____ 2. _____
Michael Fitzpatrick, DMD Marie Walsh-Condon, MD

3. _____
Kenneth Kohlberg, JD, MPH

Amended on 09/11/2013
Amended on 12/03/2014
Amended on 06/21/2017